IN SENATE, APRIL 29. Mr. DOUGLAS moved that the Senate take

No. 22, granting the right of way and making a donation of land to the State of Illinois in aid of the construction of the Central Railroad; the motion was agreed to. The bill was read a second time, as follows :

A BILL granting the right of way, and making a donation of land to the State of Illinois, in aid of the construction of the

Be it enacted by the Senate and House of Repres the United States of America in Congress assembled, That the right of way through the public lands be and the same is hereby granted to the State of Illinois for the construction of a railroad from the southern terminus of the Illinois and Michigan canal to a point at or near the junction of the Ohio and Mississippi rivers, with a branch of the same to Chicago, on Lake Michigan; with the right also to take necessary materials of earth, stones, timber, &c. for the construction there of: Provided, That the right of way shall not exceed one hundred feet on each side of the length thereof; and a copy of the survey of said road and branch, made under the direction of the Legislature, shall be forwarded to the proper local land offices respectively, and to the General Land Office at Washington city, within ninety days after the completion of the

Sec. 2. And be it further enacted, That a quantity of land, equal to alternate sections six miles wide on each side of said road and branch, for the length thereof, is hereby granted to the State of Illinois, to be applied, under the direction of the Legislature, in the construction of the same; and the Gover-nor of said State shall select and report said lands by their denor of said State shall select and report said lands by their oescriptive numbers to the proper local land offices respectively, and to the General Land Office at Washington city, according to and within six months after the completion of said surveys: Provided, The construction of said road shall be commenced at its southern terminus at or near the junction of the Ohio and Mississippi rivers, and its northern terminus upon the Illinois and Michigan canal simultaneously, and continued from each of said points until completed, when said branch road hall be constructed according to the continued from the hall be constructed according to the survey and location hereof: Provided, further, That the lands hereby granted shall be applied in the construction of said road and branch respectively, in quantities corresponding with the grant for each, and thall be disposed of only as the work progresses,

and shall be applied to no other purpose whatsoever.

Sec. 3. And be it further enacted, That the United State shall have the right to transport their troops and munitions of war over said road and branch free of all charges; and their mails shall be transported over the same for the usual compensation paid for like railroad service: Provided, That the right of way and lands remaining undisposed of, hereby granted, shall revert to the United States, unless said road shall be commenced within two and finished within ten years from the passage of this act.

The bill was then considered as in Committee of the Whole. the pending question being on the following substitute reported from the Committee on Public Lands: Strike out all after the enacting clause, and insert the fol-

That the right of way through the public lands be and the same is hereby granted to the State of Illinois for the construction of a railroad from the southern terminus of the Illinois and Michigan canal to a point at or near the junction of the Ohio and Mississippi rivers, with a branch of the same to Chi-cago, on Lake Michigan, and another to the town of Galena, in said State, with the right also to take necessary materials of earth, stones, timber, &c. for the construction thereof: Pro-vided, That the right of way shall not exceed one hundred feet on each side of the length thereof, and a copy of the sur-vey of said road and branches made under the direction of the Legislature, shall be forwarded to the proper local land offices respectively, and to the General Land Office at Washington city, within pinety days after the completion of the same. city, within ninety days after the completion of the same.

Sec 2 And be it further enacted, That there be and is here

by granted to the State of Illinois, for the purpose of aiding in making the railread and branches aforesaid, every alternate section of land designated by even numbers, for six sections in width on each side of said road and branches; but in case it shall appear that the United States have, when the line or id road and branches is definitely fixed by the auroute of said road and branches is definitely fixed by the authority aforesaid, sold any part of any section hereby granted, or that the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents to be appointed by the Governor of said State, to select, subject to the approbation of the Secretary of the Interior, for the purpose aforesaid, of the lands remaining to the United States in said sections, one-half thereof in alternate parts, so far as may be practically approximate the said sections. ble. And said agent or agents may, subject to the approva aforesaid, select from the lands of the United States most contiguous to the tier of sections above specified, so much land in alternate sections or parts of sections as shall be equal to such lands as the United States have sold, or to which the right of pre-emption has attached as aforesaid, which lands, being equal in quantity to one-half of six sections in width on each side of said road and branches, the State of Illinois shall have and hold to and for the use and purpose aforesaid: Provided, The construction of said road shall be commenced at its southern terminus, at or near the junction of the Ohio and Mississippi rivers, and its northern terminus upon the Illinois and Michigan canal simultaneously, and continued from each of said points until completed, when said branch roads shall be constructed according to the survey and location thereof. Persistructed according to the survey and location thereof. structed according to the survey and location thereof: Provi-ded, further, That the lands hereby granted shall be applied in the construction of said road and branches respectively, in quantities corresponding with the grant for each, and shall be disposed of only as the work progresses, and shall be applied as the work progresses, and shall be applied

mum price of the public lands when sold.

Sec. A. And be it further enacted, That the said lands here-

by granted to the said State shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid and no other; and the said railread and branches shall be and remain a public highway, for the use of the Government of the United States, free from toll or other charge, upon the transportation of any proper y or troops of the United States.

Sec. 5. And be it further enacted, That if the said railroad

shall not be completed within — years, the said State of Illi-nois shall be bound to pay to the United States the amount which may be received upon the sale of any part of said lands by said State, the title to the purchasers under said State re-maining valid; and the title to the residue of said lands shall reinvest in the United States, to have and hold the same in the ame manner as if this act had not been passed.

Sec. 6 And be it further enacted, That the United States

mail shall at all times be transported upon said railroad, under the direction of the Post Office Department, at a reasonable price; and in case of a disagreement between the State and the Post Office Department, the matter in difference shall be referred to the United States district judge for the district of

Mr. BUTLER. I do not rise with any expectation that my opposition to this kill will be available; but I wish to inf the honorable Senator from Illinois how many such bills, or bills similar to the one under consideration, have been presented to the committee? I hear of many bills of a simifar character, and I presume the gentleman can give me the information as to the number of bills of this kind.

Mr. DOUGLAS. Mr. President, I am really unable t answer the question of the honorable Senator as to the num-ber of bills of this kind. I have introduced one other, not relating to my own State, but to the Territory of Minnesota and that is the only one of this character of which I know any thing. There have been several bills introduced at dif-ferent times; this bill was introduced two years ago, and argued at length here in the Senate. The Senate amended it by putting on a cross road, to cross the State in another direction, and making the road nearly double its length. This bill has once passed the Senate by a vote of thirty-four to eleven; but it failed in the other house, on the last night of the last session, by one or two votes only. I have now renewed the bill, with a proposi ion for one road, as it was originally, from the north to the south, granting alternate sections of land, and doubling the price of the other alternate sections. I do not wish to put any additions to it; for I do not wish to ask for but one road, and the proposition is to the public lands to the State of Illinois-an open donation, not wish to ask for but one road, and the proposition is to the public lands to the class of the alternate sections not granted to the unembarrassed by any restriction. The Senator from Illinois State; so that the treasury will lose nothing by the grant. I do not deem it necessary to argue this question, as it was most fully argued two years ago, and was passed after full

Mr. DAWSON. I should like to be informed, as it is the first bill of the kind that has come up during my term of Con- it ins. In one paint of view these two propositions amount gressional service, what number of miles in length this road is to the same thing. They each propose, in effect, to give beto be, and the number of scree of land which it is contemplate tween one and two millions of dollars to the State of Illinois, ed to appropriate by this bill, in order that I may act under- for the purpose of aiding in the suggested improvement. The standingly on the subject. I cannot but consider it equiva- portion of land contemplated in this cession is a x miles wide internal improvement, for the benefit of a State; and hence it to twenty-four hundred square miles; and that amount, mulis, in my judgment, entering upon an important question, tiplied by six hundred and forty, will give a total of abbut self for or against the measure. The amendment I have not seen, and have only heard it read at the desk this morning. At a proper time, when this subject shall come up for a final.

The Senator from Wisconsin frankly says he prefers that

dou'le the minimum price. It is following the same system terms, in conformity with the principles of the Baltim re that was adopted in reference to improvements of a similar platform, any general system of internal improvement, should character in Ohio, Indiana, Alabama, Iowa, Wiscon- be so very willing to continue in force a system of local insin, and Illinois, in reference to her canal. It is simply ternal improvements which will benefit the particular sections not sell at the usual price of one dollar and a quarter per sir, I am not in favor of either system, because I have constinere, because they are distant from any nav gable stream or ble at double the usual price, because the improvement made by the State will make them valuable. It is an old practice,

But, sir, I did not intend to say this much upon the subject at ong sanctioned by the Government.

he question when we come to discuss this bill finally, and I

am not now prepared to enter upon it.

Mr. King. I am not now going to enter into any discussion with respect to the granting of land for works of internal improvement. When that subject comes up, I shall be prepared to give my views—differing, as I suppose I do, from the I am desirous of gentleman from Georgia upon this subject. giving every facility that can appropriately be afforded to these new States in making works of internal improvement, to give value to the public lands, and afford facilities to carry the produce of the States to a market. This road terminates at Cairo, on the Ohio river. A charter was granted by the States of Mississippi and Alabama to a railroad company to construct a railroad from the city of Mobile, to terminate at this same point; so that, if the railroad is completed, there will be a coninuous railroad communication from the Gulf to the extreme limit of the State of Illinois. Of the great advantages of such of view. a communication it is not now necessary to speak. Every gentleman who knows any thing of the States of Tenness and Kentucky, can estimate for himself the immense advan-tages of such a railroad. The portion of country in the States of Mississippi and Alabama, through which the road is to a large proportion of the property. They sell it. pass, is, generally speaking, barren and unproductive. The offer it for sale. It is surveyed, thrown into market, and emilands throughout these States have been in the market from gration is invited. Tract after tract is sold, roads are made. fifteen to thirty years, and some of them considerably more. Owing to the nature of the lands they are of no value, and can never be of any value at the present prices, unless some direct communication by railroad, or some other way, is made. That will give value to the land, without which it is of no value. My object, however, in rising is, before the question is taken upon the amendment, to propose an amendment, as an additional section, so as to include that portion of the road from the Ohio river, extending the same grants and privileges as are granted in the bill of the Senator from Illinois.

as are granted in the bill of the Schalar from from from the same amendment I propose is as follows:

Sec. 7. And be it enacted, Sc. That, in order to aid in the continuation of said Central railroad from the mouth of the Ohio river to the city of Mobile, all the rights, privileges, and Ohio river to the city of Mobile, all the rights, privileges, and liabilities hereinbefore conferred on the State of Illinois, shall be granted to the States of Alabama and Mississippi respectively, for the purpose of aiding in the construction of a railroad from said city of Mobile to a point near the mouth of the Ohio river; and that the public lands of the United States, to the same extent in proportion to the length of the road, on the same terms, limitations, and restrictions, in every respect, shall be and is hereby granted to said States of Alabama and Mississippi respectively.

Mississippi, respectively.

Mr. WALKER. I desire to ask the Senator from Illinois whether it is proposed that this road shall be constructed by ompanies or by the State ?

Mr. DOUGLAS. That can be answered in three sentences This road was begun by the State of Illinois in 1836, and bout a million of dollars were expended upon it by the State. Subsequently, the State let it to a company. The company failed to go on with the work, and executed a release of their charter back to the State again; so that it has now become State work again. This grant is to be made to the State of Illinois, as a State work, disconnected with any company whatever.

Mr. WALKER. I am not opposed to the grant which the bill proposes, but I am opposed to the form in which it is proposed to make it. I cannot now submit the motion which shall submit, for the reason that there is an amendment to an amendment pending. I shall, however, move to strike out all that part of the bill which proposes to increase the price of the alternate sections to two dollars and a half per acre, because I deem it unjust that this principle should be enacted by Congress.

The route, it is said, will be about four hundred miles length, and the grant will be equivalent to a strip of land six miles wide throughout the whole length, or one million five hundred and thirty-six thousand acres of land. On an equal amount of land it is proposed to increase the price to double the usual Government price. It amounts, then, to a tax upon the actual settlers to that amount, in order to build this road. This is one of the greatest embarrassments to the settlement of the new States. I know of nothing that would embarrass the settlement of these States more than increasing the price of the public lands. We know that it is almost universally said now that the price is too high; and yet we propose to double that price, and thus double the embarrassment of settlement. If Government is going to be generous, let it be generous; but let it not speculate upon its own lands at the expense of those who are to settle upon them.

I am in favor of granting the whole of this land to the States, to be given to actual settlers at the cost only of surveying it, and I have brought in a bill to that effect. The Senator from Massachusetts also (Mr. WEBSTER) has offered a resolution of a similar character, and the Senator from Illinois (Mr. Douglas) has introduced a bill to grant these to no other purpose whatsoever.

Sec. 3. And be it further enacted. That the sections and lands in limited quantities to actual settlers. There is a feel-offered this amendment. If it had been a different road, not parts of sections of land which, by such grant, shall remain to the United States, within six miles on each side of said road seems to be demanded. Now, if we grant this amount of the amendment. I repeat again, that the same reasoning that and branches, shall not be sold for less than double the mini- land, instead of selling the remaining land at the usual price, it is proposed to increase the price to double what it was before. I am opposed to it. I am willing to vote for this bill, if that provision is stricken out. My honorable colleague has introduced a similar bill for a grant of land in Wisconsin, and his bill likewise proposes an increase of the price of the land not ceded.

I shall make a similar motion when that bill comes up, and shall do it with the assured feeling that my constituents will sustain my action; for I am pretty confident that, after the exerience they have had with regard to the Rock river and ake Michigan canal, they will not be willing to be taxed a hundred per cent. more than the present price of the lands for the purpose of building this road. I know the characte of the country through which this road is to pass in Illinois The lands have been a long time in the market : but, if a grant of alternate sections is made to the State, I have no doubt the road will be made, and the lands reserved for the Governmen will be rapidly sold for a dollar and a quarter an acre, and the funds will come into your treasury. But, if the price is increased, the same difficulties will arise, and the advantages will not be sufficient to bring the land into the market at the increased price. I believe it is the policy of the United States that this should be strcken out. I know it is the policy of the State of Illinois; and I know that it is in consonance with the views of the people of the United States. who are settling the Western lands I shall therefore move that as an amendment, as soon as this amendment is dis

Mr. BUTLER. Do I understand the Senator from Illi nois as desiring to press a vote upon this bill to-day.

Mr. DOUGLAS. I suppos the vote had better be taken -day. It is a bill that has been pending for two years, and has undergone a very thorough discussion, and I conceive that immediate action upon it will not be out of place.

Mr. BUTLER. I do not propose to go into a discussion

of the many questions involved in this bill; for, after the pro onged debates we have had heretofore upon the principle ipon which it is based, such a course on my part would perhaps be a work of supererogation. This bill, however, has not been examined by any one, as far as I know, except by the committee of the honorable Senator, who is a friend to the bill; and, of course, if he thinks it right, it is his duty to advocate it.

The Senator from Wisconsin (Mr WALKER) goes upon the ground that by this bill we should make a donation of proprietor that may give away one section provided that will raise the value of the remainder, making the United States a proprietor in one point of view. The Senator from Wisconsin is in favor of an open grant, without any restric lent to an appropriation of the public money for purposes of and some four hundred miles in length, which will amount which I desire thoroughly to understand before I commit my- one million five hundred thousand acres, being equivalent to

vote, I may desire to be heard more fully upon it.,

Mr. DOUGLAS. I will state that the road is the entire tinue in the relation of a proprietor, but that it should be an length of the State from north to south, from Cairo to Gale open grant, giving in effect two or three millions to the State which is not far from four hundred miles, though rather of Illinois to make internal improvements. Well, sir, I must under, I think. The bill proposes to grant the land in alter- say that it does appear very strange to me that the very class nate sections, increasing the price of the other sections to of politicians who rise up and denounce, in no measured carrying out a principle which has been acted upon for of the Union which they represent. If I may be allowed to thi ty years, by which you cede each alternate section of use the term, this course of procedure, it appears to me, is an land, and double the price of the alternate sections not ceded ; inconsistent one. Sir, if we are to have a system of internal and, and double the price of the alternate sections in the same price is received for the whole. These impro ement carried out, I would prefer, for one, that we lands have been in the market from fifteen to thirty years; should have a system looking to the benefit of all parts of the the average time is about twenty-three years; but they will Union, and not of any particular section or sections. But, tutional difficulties on the subject of giving the public lands in the power of my honorable friend and others to discuss the a market for produce. A railroad will make the lands sales or the proceeds thereof for a general, much less a local

this time. I would, however, remark that, if the Senator from It will be time enough to decide the constitutional question It will be time enough to decide the constitutional question prize them to any national purpose more advantage us. By Mr. DAWSON. My question has not been answered as Idencis intends to press a vote upon this bill to day, I shall feel it my duty to state more at length the objections I have Mr. DOUGLAS. I have not made the calculation, but any one can estimate it easily.

Mr. WALKER Mr. President, I wish to make one remark in relation to a suggestion made by the Senator from Alabama. He says he differs with me with regard to the intended in the calculation of the calculation. Alabama have interests connected with the passage of this crease of the price of the reserved lands; and he differs be-

by attaching this amendment to the bill, provide for carrying this railroad through the States of Tennessee, Kentucky, Alabama, and Mississippi; and, sir, with equal propriety, you might attach an amendment providing for the extension of the railroad into every State in the Union. Sir, let us take the measures on their own peculiar merits—let each held by the company might come in competition with those stand upon its own foundation. I do not perceive any diffi- of the Government. If the alternates reserved by the Governline and myself have contested the principle involved in this bill several times. Sir, there is a fundamental difference between the principle of this bill and the Government carrying on a system of internal improvement. There is no proposition in this bill that the Government should build the road; there is no assumption of authority within the jurisdiction of the States for that purpose whatever. That point, therefore, is wholly out of view. The jurisdiction is left entirely to the States to do as they please; to make the road or leave the road unmade. What, then, is the reason why we should make such an appropriation? To my mind, sir, the reason is manifest. In all the new portions of the United States this Government owns gration is invited. Tract after tract is sold, roads are made. villages and towns are built up, and all the improvements that can be of value to a country go on and increase the value of the lands, and you sit and do nothing. I want to know if this Government, being a great land owner, is to do nothing this Government, being a great land owner, is to do nothing?
Civil government is there maintained by the people, roads are maintained by the people, all that constitutes civil society is maintained by the people; and yet, when they come here and ask for an appropriation of land, you fall back and ask the cash value. Sir, there is not a Government on the face of the globe that would do that. You ask us, the pioneers of the setlement, to go there and spend our lives in raising the country from a wilderness—a wilderness bowing before the industry of man, without which it would be worthless-and you sit and

do nothing. Why should you not pay your reasonable proportion, as owners of this land, towards its improvement and settlement, leaving the question of jurisdiction to the States respectively? From the foundation of the Government, from General Washington's day, this has been done. When I was but a lad, a road was made from Wheeling to Limestone under General Washington's administration. This was the first that ever crossed the Ohio. No man ever seriously doubted that the Government, in the character of a land owner, has a right to aid in building roads through its own lands, to render those lands more valuable. But there is another difficulty in this matter. This amendment, if I understand it, gives the right of way for a railroad through two States, where the Govern-

ment does not own a foot of public land. Mr. KING. To what States does the Senator refer Mr. CASS. To Tennessee and Kentucky. Mr. KING. With those States the amendment has no

thing to do. It refers merely to the States of Alabama and Mr. CASS. It is more restricted, then, than I thought it was, and I have therefore no kind of objection to it, except that I would prefer it as a separate measure, and not as a

part of this bill.

It will be recollected that most of the older of the new States-Ohio, Indiana, and some others-have received much larger grants of the public lands upon this principle than any of the other States. Each State comes forward for its fair proportion of the public domain. I believe there has aleady been published and laid upon our tables a document showing the amount which each State has received, and justice as well as equity requires that the new States should re-

ceive their proportion.

Mr. President, I am not going into this subject now merely rese to state my difficulties with respect to the amendment. If it is brought in as a separate bill, I shall vote

Mr. KING. Mr. President, while I concur with much that has been said by the honorable Senator from Michigan, with regard to the duty of this Government towards the new States; while I concur with him that there is no constitu tional difficulty in the way of making grants of this sort, I must confess that the honorable Senator has taken ground in opposition to my amendment that is not at all tenable. road, to which my amendment proposes to grant lands in Mississippi and Alabama, is to all intents and purposes the same road except that it passes through two other Sta'es. The road contemplated to be constructed through Illinois touches the Ohio river at Cairo. The road, as chartered by the States of Alabama and Mississippi, touches that river on the eastern bank, immediately opposite. It is, therefore, a continuation of the same road; and hence it is that I have will apply to the propriety of granting lands for the construction of a road in Illinois, applies with equal, and I may say with greater force to the construction of a road in Mississipp

Sr. the lands in Illinois have been in the market a length of time. They have value because of their productiveness ot so with the lands through which the road is to pass in Mississippi and Alabama. Those lands are known to l worthless, so far as cultivation is concerned. They have good timber upon them, to be sure, but that is also valueless un less there be some mode by which it can be transported market. The opening of this road will increase th cial facilities of the country, increase the value of the lands through which it passes, and cause them to be brought into

market at something like a fair price.

Sir, I do not agree with the Senator from Wisconsin, that it is not right to add an additional price to the lands reserved, because their value will be increased by the road which is made in part by the liberality of the Government. The purchaser has no right to complain, therefore, that he \$2.50 for lands which, without these improvements, would not be worth \$1.25, but for which if they were in the hands of private individuals, he would have to pay four or five dollars per acre.

I do not wish to detain the Senate at all. This is a sub ject that has been discussed here time and again. As regards our constitutional power on this subject, we have always drawn a distinction between appropriations out of the trea-sury direct, and the right of the Government to dispose of the public domain for the internal improvements of the States, so that the part not so disposed of will be increased value, or as a great land owner would dispose of part of his own lands for the benefit of the remainder. We have made appropriations for the removal of the raft on the Red river The opposed that? Not my friend from South Caro ina. (Mr. BUTLER.) No Southern man opposed it upon constitutional grounds. I know that the late lamen ed colle ague of my friend from South Carolina did not entertain the contitutional difficulty that the honorable Senator has expressed this morning. Far from it. He, with me, drew the dis tine ion between an appropriation of a portion of the public domain for works of this sort, and an appropriation of money out of the treasury. I have mentioned this fact merely for the purpose of showing that appropriations of this sort, for North, South, East, and West, have passed with great unanimity, no opposition being entertained on account of any constitutional difficulty. I know, sir, that the late ent of the Uni'ed States, in his celebrated veto message, took the ground that it was unconstitutional to grant the public domain. For a time that doctrine met with support in the House of Representatives, but not in the Senate, because here, during the last two sessions, as gentlemen well know, we have parsed bills of a similar character. They failed in house, because many gentlemen felt unwilling to the o'be place themselves in opposition to that veto message. I myself hought the message wrong in that perticular, and I so stated to the President himself. I still entertain the same opinion. I am desirous of giving, what I think justly due to the new States, some little advantage in the construction of works of this kind, because we have given up much to the General Government. Sir, the very States to which the honorable Senator opposes the giving of these grants, because connect-Illinois road, surrendered the right of taxing the public domain until five years after it is sold. In this way these States never drew a dollar f om taxes on the public domain until five years after they came into the possession of private individuals; thus crippling their resources, producing embarassment, and preventing them from making any works of internal improvement. And now when we ask for these refuse lands, which have never been cultivated, merely for the purpose of giving facilities of transportation to market, which give some degree of value to them, we are met by the objection that this is an immense grant, that it is a great quantity of land. Well, sir, it is a great quantity, but it rill be there for five hundred years, and, unless some mode of the kind proposed he adopted, it will never command ten cents. It is not suscrptible of being cultivated, and no man would spend his labor upon barren soil when he can get good

Isnd. I trust that the amendment which I have offered will pre vail. The general principles of the bill I think good and correct. When the bill comes to its third reading, it will be principle. But I trust they will allow amendments to be made, so that the bill may be perfected. Such is my disposition, and I presume it is that of the Senator from Illinois

side in alternate sections, we shall have a strip of land, or what is equal to a strip of land, six miles wide and four what is equal to a strip of land, six miles wide and four the land so in some way connected with it; and the land by the liberality of the Government. Pray, sir, of a hundred per cent., in this indirect manner, upon all this land, merely for the purpose of carrying on a work of internal improvement in a particular State. Of, in other words, the question is, shall the settler on the public lands be considered to settle upon them, in order that he may be made permitted to settle upon them, in order that he may be made permitted to settle upon them, in order that he may be made permitted to settle upon them, in order that he may be made through the current of the settler on the public lands as a separate bill. It have serious to the settler on the public lands before a settler on the principal state.

It am assured I can convince any gentlemen of the truth of this proposition. Now, the State of Illinois has never deads the land by the liberality of the Government; or rivers and lakes are the land by the liberality of the Government, and yet if we must dispose of it we must dispose of it to the land by to pay \$1,920,000 additional price for these lands.

But let me call the attention of the Senate to another fect If this principle is to obtain, another principle must go into the bill. That is, that the price of the lands which are grant-ed must be increased also. If this were not done, the lands culty with respect to the power of Congress which some gen-tlemen feel on this subject. The Senator from South Care-less price, you have got to increase to the same amount the price of the lands you grant to the State of Illinois. It is plain that if 1,536,000 acres, at \$2.50 an acre, come in com petition with the same amount of land of the same value at a less price, say \$1.25 an acre, it cannot be sold, or your land will be undersold. By this proposed increase in the price of the reserved lands, you tax the settlers to the amount of \$3,840,000. This is liberality with a vengeance! This is increasing the value of your lands through the liberality of the Government in a queer kind of way! You increase the price of this land, by doubling it, \$3,840,000. Who is to pay this amount for the construction of this road? It is the man whose enterprise leads him to the West, who desires to occupy a portion of the Western country as his home. It is sir, who will have to pay this. It is an embarrassmen upon the settlement of the country, and one which, if possible in our action here, we ought to obviate.

I shall, consequently, persist in one of two propositions. If I fail in having that part of the bill stricken out, I shall move (or if I do not, I hope it will be moved by some one else) that the lands granted to the State shall not be sold at a less price than those reserved by the Government.

Mr. BRADBURY. I have observed a defect in which I regard as in direct conflict with the principle upon which it is advecated. I understand the Senators from Illinois and Michigan to advocate the bill upon the principle that the Government is a great proprietor of lands through which this road will pass, and that, as a prudent proprietor, it can make a grant of a portion of these lands, and thereby increase the value of the residue. I think that is the principle which has been distinctly stated by both gentlemen. Now, in the second section of the amendment, the bill provides that where lands have been already sold along the line, other lands shall be granted to supply the deficiency.

Mr. KING, (in his seat.) They are to be adjacent

Mr. BRADBURY. If, for instance, on any portion of the route, one half of the lands have been sold by the Governwhere. I would like to know what lands, then, the Govern has which, as a prudent proprietor, it will have increased in

Mr. KING. In authorizing the taking of unsold lands elsewhere, when it cannot be obtained directly on the road, the bill still requires that they shall be adjacent to the s ctions along the road. It is not to be taken all along the road, as the Sen ator seems to suppose, but in alternate sections.

Mr. BRADBURY. The explanation of the Senator doe

not relieve the bill at all from the objections I have urged. If the lands have been sold, then the selection is to be made from other lands not upon the road, but quite remote from the road, and so remote that I think the principle upon which the bill is advocated cannot fairly apply. There could be no reasonable objection, I think, to striking out that portion of the bill which surhorizes the selection of lands elsewhere; when they have been sold along the road. The bill grants more than a million and a half of acres of land, and grants them to the State for the purpose of constructing this road, without any definite location of the road, and without that ac curate information which, it appears to me, we ought to have when bills of this character are presented. We ought to have before us evidences of the extent of the road, of the character of the country through which it passes, and all that which could be got to show a prudent proprietor that he

would be benefited by such a grant.

There is another objection which applies to the amendment of the Senator from Alabama, and that is, that it would be a dangerous practice to adopt, that of connecting bills of this character together. It is obvious that several bills of this character, being connected, might command a majority in Congress, when neither of them could alone. I am not prepared to say what are the facts as to the merits of the proosed grants in Alabama or Illinois; for we have not the in-ormation before us upon which I could feel satisfied to act. Mr. FOOTE. I did not rise with a view of entering upon an extended discussion of this subject; but I must say I had informed myself in regard to it through the medium of the public prints before I had the honor of a seat here. I have examined all the various discussions that have taken place in Congress on the precise points before us. I have read the arguments offered to the Senate years ago by the Senator nose two Senators, some years ago. extremely whether the power now claimed by the Senators have been repeated successfully in our hearing this morning, have never entertained the least doubt that the Government, being the large landholder of the country, had the right to

sections with a view of enhancing the pecuniary value of its own domain still remaining, but that it is bound to do so by every obligation of patriotism.

Mr. CASS. One difficulty has been suggested, and that is, that this road in many instances does not come in imme-diate contact with the public lands, and that then, of course, in the selection of the land granted, they must recede from the road. The error here is in supposing that the road will be of no value to the public land except where it comes in immediate contact with it. The road once built will very much increase the value of the land for many miles in its eighborhood. In the present state of the Western country, plank and other roads will at once be built to connect with t, and the immediate effect will be to increase the value of all lands lying within any reasonable distance of it. Therefore, the objection that the land in the immediate neighborhood of the road may be sold, is divested of all its force. Under

dispose of, reserve, or improve the public domain. Having this right, it does seem to me to be the clearest proposition in the world that it is not only authorized to bestow alternate

and the country will still remain.

Mr. SHIELDS. I am gratified at the amendment that has been proposed by my friend from Alabama. It is one which has been examined by every member of the committee, and I may also state that every one of the points presented here this morning were also fully discussed in the committee. Now, sir, this road, as contemplated by the amendment of the Senator from Alabama, will form a great national thoroughfare, connecting the northern part of Illinois, by the way of St. Louis, with Mobile, as well as connecting Boston and the other Eastern cities by the same route through Illinois, with St. Louis, and New Orleans, and Mobile. Perhaps there are no States in the Union more interested in this work than those in the East, represented by Senators now objecting to this bill. For the benefit of Senators who speak of the less which the United States Government may suffer in consequence of this grant, I wish to state that when land has en ten or fifteen years in the market, the receipts therefrom do not defray the expenses of the machinery of Government employed in their sale. In this case, therefore, the Government can lose nothing, for these lands generally have been in the market for twenty years, and this road will be the means of rendering them saleable. And I am not sure that the Government would not in the end be benefited by laying it down as a general principle, that, where lands have been in the market for fifteen or twenty years, they shall be appropriated to this purpose, than which I know none more advantageous and beneficial, of making public roads. I will state, as the question has been asked by the Senator from Maine, that in a portion of Illinois the public lands have been in market for some twenty years, and are now unsaleable; and that of this million and a half of acres proposed to be granted, there will not be 300,000 perhaps hat is in any other conditio The amount looks large on paper, I confess, but what I have tated in regard to it, all who have experience in the public

lands will acknowledge to be the truth. I would beg of my friend from Wisconsin, if I had any influence with him, to withdraw his amendment. I can assure him he will not only seriously embarrass this bill, but if he proposes his amendment even to the bill in which his own State is interested, he may defeat the very end he proposes to attain. I will state further, that if the bill as it is will be any injury to Illinois, that injury will be for the benefit of the United States, and we who represent Illinois are responsible to our people for that injury. The Senator says that unless his amendment prevails, it will retard the actilement of our State. Perhaps it may, but we are willing to receive this Wisconsin will permit us to accept it, even if he considers it detrimental to us. I will say to him, that when he proposes a bill of a similar character for his own State, I will not at tempt to interfere with what Wisconsin may consider for her interests. I repeat, I am gratified that the Sanator from Alabams has introduced the amendment, he is perfectly assured; as I am, through some knowledge derived from a connexion with the public lands, that if you give away all those refuse lands in every State that have been in market ten, fifteen, or twenty years, for the purpose of making roads, you cannot appropriate them to any national purpose more advantage us. By refering to the reports of the Land Commissioners, you will find it to be the case that where lands in any land district have

enment for a work that is to benefit Maine qui'e as much as it will Illinois—which is to connect Boston with New Orleans, the North with the South—we are met with a more quibble about a few acres of land. This road is to-run from the northern part of Illinois right into Kentucky almost, and it my friend from Kentucky will give me his aid, I am willing to continue it quite into his State. I have no objection to it, be-lieving as I do that purposes of this kind are the most beneicial and advantageous to which this refuse public domain can

be appropriated.

I hope, therefore, my friend from Wisconsin will withdraw his amendment to this bill, and let us manage it in our own way. I take great interest in the bill which he proposes, and promise him my assistance in securing its passage, whether it does or does not incorporate the principle of his present

Mr. DODGE, of Iowa. Mr. President, I shall vote for the amendment of the Senator from Alabama. I am glad, sir, that he has offered it. Any one who will glance at a map of the country will readily perceive that the connexion pro-posed is a most direct and proper one. Chicago and Mobile are slmost due north and south of each other. They are certainly the points by which the great northern lakes and the Gulf of Mexico should be connected.

I had hoped, Mr. President, that the constitutionality and policy of granting alternate sections of the public lands for the improvement of roads and rivers running through the public lands, was so well established that it would not be necessary at this late day to enter into any formal argument on the subject. In support of it I could cite what the Sena-tor from South Carolina would admit was high authority, that of the votes and speeches of his late lamented colleague, (Mr. Calhoun.) It is a historical fact, and one attested by the journals, that the bill making the grant of land for the construction of the Illinois and Michigan canal was passed by his casting vote, when filling the chair now occupied by you, sir. And surely, sir, if he had, at any late period of his life, passed through the magnificent region of country whose growth and prosperity have been so much advanced by that great work, there were few acts of his eventful life, I doubt ot, that would have afforded him more heartfelt gratification than that by which he turned the scale in favor of that beneficent measure.

Mr. President, the objection made by the Senator from Maine (Mr. BRADBURY) might be readily obviated by an amendment, providing that, if there are any more lands than are sufficient for the construction of the road, they shall revert to the United States. Not believing that the proceeds of the lands will be sufficient for the entire completion of the work, , of course, deem no such amendment necessary, and hope

t would not be adopted if offered.

Mr. DAWSON. It is said that the principle involved in this bill has been admitted, and now the application of that principle becomes a question of policy and expediency. The principle may be true, but when you carry it into execution you may do it on terms vastly unequal to the various por tions of the country. I now propose to examine briefly the construction of this railroad through the State of Illinois. The road is to be 400 miles in length, and is to travel through the most wealthy and populous portions of that State. It to go from town to town, from village to village, from city to of the power under which we act depend upon the discretion city, and it must therefore naturally pass over a portion of the country where the whole of the public lands, or nearly so, I reper

have already been disposed of.

Mr. DOUGLAS. If the Senator from Georgia will allow me, although I have no wish to interrupt the course of his argument, I will state to him that, as the road is to run through the centre of the State, without a particular local knowledge of the State, he would be justified in supposing that it would run through the best and most thickly settled portions of the State; but if he was intimately acquainted with it he would find that the road runs about half way between the rivers on the east and those on the west. well timbered near to the great rivers and upon their tributaries, but about the line of this road you will find vast prairies, ten, twenty, and some even thirty miles wide, without a stick of timber, and dead levels sometimes too wet for cultivation. It so happens that this road runs through this vast prairie region where there is the least settlement, wealth, and improvement of any portion of the State, and where there is the greatest necessity for a channel of communication to the markets. The land at present thus situated will by means of this improvement be reclaimed and made susceptible of cultivation and production.

Mr. DAWSON. Well, but this road 400 miles long will be of no use to the public unless it passes through that section of the country which is populated.

Mr. DOUGLAS, (in his seat.) There is some population. Mr. DAWSON. I submit now to the honorable Senator from Michigan and the illustrious Senator from South and to the Senate whether, in the counties through which Carolina, no longer here. Be ore I saw the speeches of this road is to run, the lands have not for the most part been there is no limitation upon it; but I confess that we are bound

> them, it is so. I speak only at random, and from my general knowledge of the country, but such is my belief. The road runs through several fine towns, such as Bloomington, for instance, and for five or six miles immediately around the towns the land is all taken up and cultivated, but there are also large prairies where the land is still vacant, and my im pression is that the large majority of these lands is still vacant.
>
> Mr. DAWSON. I wish to view this question, not upon the principle only, but upon its application to the case now be-fore us. If all these lands were undisposed of by the Govern-ment, six miles of land through the interior of the State of Illinois will be transferred to that State, whether it passes through the most fertile or the poorest of the lands of that State; and going through the State, it must strike more than three-quarters of their best sections. But suppose you cannot

get contiguous sections for perhaps fifteen or twenty miles, to the right and left of this road—you may go for miles where you cannot strike the public lands, what will be the result of this bill? Why you may go ten miles off and take your section there, and if you cannot find it there-if there are not landcentiguous to this route-you may go twenty or thirty miles and select lands which will be appropriated. If there are no any circumstances of that kind the value and benefit to re-sult from the opening of such an avenue to the Government it to any extent, until you find enough to make six miles in width throughout the whole State. Here, then, you may pass through one county, and if you find no pub there, you can go into an adjacent county and find land there. Here you have an appropriation of one million and a half of acres of the public land not in the line of the railroad at all but lying in the State of Illinois. Now, the principle which has been established by Congress on this question is to appro priate contiguous lands-the lands over which the in mprovements run, or the railroad passes ; the lands being unoccupied by your citizens, you invite population there in order to increase their value and make a disposition of them. Now that principle does not apply here. It may apply ten miles at a time, and perhaps fifty miles, but beyond that it will not apply at all. But you do not make the appropriation upon that principle at all. You make it as a donation, and you allow the lands to be found any where within the State of Illinois.

That is one objection which I have to the bill.

Now, sir, when you come to the State of Mississipni and o the State of Alabama the case is different; there you go mmediately upon the coast, through the pine barrens, there the public lands are not settled; these, then, are of no value; there the appropriation will amount to little or nothing. But, sir, this is not the ground upon which I desire to place the question. Before we act upon the question, I want it to be ascertained and decided whether it be constitutional or not. The distinguished Senator from Michigan (Mr. Cass) tells us that the question has been settled beyond all centroversy The Senator from Alabama (Mr. King) tells us that the late President of the United States mistook the constitutional question in the view which he took of it, and the Senator from Mississippi (Mr. Foore) has been convinced by the arguments of the distinguished Sena or from M chigan. sir, how do they establish this principle? I am an internal improvement man to the extent of the power vested in me as representative under the constitution. I will go to the exent of those powers, and I shall only be limited by my construction and conscientious principles on this subject. Now my view upon this subject is this, and I will reduce it to orinciple, and show its application. The Government of the United States is the more trustee of the public property either for the benefit of the States, as the old republican pa ay, or for the benefit of the people at large, as the old Federal party would say; the Government is either a trustee for the people at large or for the States. Now, I desire to know, under e compact under which we are acting, and under which I am about for the first time to give a vote, on what princ ple i is that you decide that the trustee—the General Government— has a right to make a donation of any part of the trust to any portion of the cestui que trusts to the exclusion of the other; in other words, if you, Mr. President, or any other individual person represented the people of these United States as the Government, and you were making a disposition of the pro-

to the exclusion of the rest? In my judgment, not at all. It is not a principle of equity or justice, and in my opinion it is not constitutional. Now, let us go a little further. Suppose that the Senator from Illinois had presented a perition setting forth that there are large tracts of land belonging to the General Government in the State of Illinois, which cannot be disposed of until they are occupied and settled, and asking Congress to appropriate a million and a half of that land for the erection of manufacturing establishments to increase the value of the public property which is all around. Where is the authority for such an act, and what constitutes the difference between a railroad established and erected by the State, and a manufacturing establishment? None whatever. You may carry the principle into every power that belongs to this Government, into every question which involves our prosperity and our happiness. It is a principle which will not bear investigation, and one which a member having conscientious scruples as to the powers which he has under the constitution in acting here, may well doubt about carrying out. Now, here is a limitation on a power, or there is no power at all. Now, here is a limitation on a power, or there is no power at all. How can I exercise it? I cannot do it. But you at all. How can I exercise it? I cannot do it. But you say, you advance the prosperity of the country; you increase the value of the public lands. Well, if you adopt the principle that Congress can do any thing to increase the value of the public property, all controversy in relation to the Cumberland road will have ceased; all controversy about internal improvements will have ceased, because you make the discretion, the judgment of the representatives the limitation of the power under which they are acting. It is remarkable that, if a citizen and politician goes from any part of the Union to the Western States, he forgets all that he may have learned in early life of the powers of the Government in relation to internal improvements, and comes back here a relation to internal improvements, and comes back here a thorough internal improvement man, believing in the unlimitthorough internal improvement man, believing in the unlimited power of the Government in such matters. This is not the effect of reasoning upon the mind, but it is the result of the interests by which he is surrounded and controlled. I do not blame him; but, being myself uninfluenced by any such circumstances and considerations, I can reflect upon the subject; and I am constrained—although going against my inclination, which is, that the country should be improved as rapidly as possible—to act according to my own conscientious convictions.

onvictions. It is true, as stated by the Senator from Alabama, that the public lands there are of no value; it is true that they belong to the Government. But what is to be done with them? How can the Govarnment dispose of them? Where is the power to do so? It is believed by many that there is none. We have never made a donation in this country that has not been controverted, even in cases of donations to individuals. In a case of a donation to an individual, in which the Senator from Kentucky and other gentlemen interested themselves, it was put upon the principle of compensation for services ren-dered in the revolutionary war. Yet we are called upon to-day to make a donation of a million and a half of acres of land, and to justify ourselves on the ground that we are promoting the public interests thereby, by increasing the value of the ad-jacent land. Why, sir, where is the power in this Government to make a donation to A in a manner that presses B into paying double price? How is it that A became a beneficiary under the constitution, whilst you put a penalty upon B? But it is said that both will be benefited. Well, the principle is the same. Where is the power under the consti-tution that we have to benefit one that another may be benefited also? The Government is not founded upon such a principle, and when we carry it out on such principles, we are carrying it out erroneously; we are making the limitation

I repeat that I am anxious to vote upon these questions in such a manner as will improve our country, give ease and comfort to our people, and facilitate the access to markets; but when my judgment comes in conflict with my inclinations on constitutional grounds, every Senator must know that I must abide by what I conscientiously believe to be an ob-

Mr. DOUGLAS. One word, sir, in answer to the questions propounded by the Senator from Georgia. In reply to the honorable Senator's question, where is this power to be found, I refer him to the clause of the constitution of the United States, which says that Congress may prescribe rules for the disposition of the public lands, territories, and other pro-perty of the United States. The power to dispose of the pub-lic lands is given in so many words, and where a power is expressly given without any limitation, I apprehend that it is our duty to judge of the terms of sale. We have a right to sell upon credit or to sell for cash. We have a right to make any other disposition of the public lands which we may think proper, provided that disposition is in accordance with the nature of the trust. In other words, we may make any disposition of these public lands which tends to increase the trust fund. I do not argue the question of our right to donate, as we do not propose to donate. I do not deem it necessary therefore to answer that question. We propose to make a proper constitutional and legal disposition of the lands, in a mode that will benefit and increase the trust I must confess I doubted disposed of by the Government?

I must confess I doubted disposed of by the Government?

Mr. DOUGLAS. With the exception of the county at trust placed in our hands. We must not dinainish, from Alabama and Illinois to the Government actually existed, but ever since I read those two luminous arguments, which have been repeated successfully in our hearing this morning, I dated, so that they were not worth a farthing per acre. Sup-pose the giving away of one-tenth portion of these lands would render the whole of them available and saleable; if you have not the power to give away the one-tenth on condi-tion that the other shall be rendered available, the whole is worth nothing—it is waste, entirely valueless—but by giving away a portion you render the remainder valuable, and thus gain considerable by it; would any one say that it was not wise, if it was his own individual property, to make that disposition of a portion of it, in order to render the other available? And if wise in his own case, is it not wise and proper in our case also, provided we are the trustees, as the Senator allege Clearly I think so. I think, therefore, that is a constitution al disposition of them, a legal disposition of them, which proposes to improve the trust fund and increase its value by this mode of disposing of the property.

But the Senator from Georgia asks me, where is the power to make the purchaser pay double price for the land? Sir, we do not propose to make him pay double price for the land. We have land that is comparatively valueless, if not entirely so, that will not sell at the present price, because, as at present situated, it is not worth it. You cannot get a dollar and a quarter per acre for it, because it is not worth a dollar and a quarter. But we propose now to give away half of it, on condition that the other half shall be rendered worth two and a half dollars an acre. And, after this improvement is made, the land being worth two and a half dollars per acre, the purchaser buys it for what it is worth. Is it any hardship on him to sell him land worth two and a half dollars per acre for two and a half dollars, in preference to compelling him to give one and a half dollar for land that is not worth it? It is no tax on the purchaser. If we compel him to pay more money, we give him better land. He gets an equivalent for his money, and therefore it is no tax. It is no more a tax to give ten dollars per acre for land worth that amount, than to give one dollar and a quarter per acre for land only worth one dollar and a quarter. Hence that objection vanishes in a moment. And I must remind the Senator that this point of hardship on the settler, compelling him to pay a double price for the land in question, is done at our own consent; and, being so, is it not reasonable to suppose that we have been more likely to look into this question carefully and practically than those so far removed from the scene of action that they cannot have that personal knowledge? Is it probable that I or my colleague would be willing to impose such hardships on the people of our own State? We have put in this provision be-cause we believe it is just to the Government to put it there; because we believe it is just to our own people to put it there.
We know that the land is not now worth the Government
price. We believe it will be worth double, if not treble, the
Government price by the construction of this road. That
being the case, it will be for the advantage of the settlers and purchasers, as well as for the advantage of the Government, that the value of the land should be increased, and the price increased also. I will not occupy any more of the time of the Senate, as the subject has been already thoroughly discussed.

Mr. BUTLER. I had no idea of entering into the general discussion upon these matters, but I desire to point out to the Senate the fallacy of some of the grounds assumed by the advocates of this bill. It is said that you are to take alternate

fiat, make the a ternate section fifty miles off worth \$2.50, because they have taken one worth \$1.25 by this grant? I do not see how this eff-ct is to be produced. Mr. SHIELDS. I will state to the Senator that the land selected at a distance from the road is merely the alternate ection to be granted.

sections within six miles on each side of the road, and if you

cannot find six miles contiguous, you can take the public lands twenty miles off—yes, and even fifty, or any number of miles off. Very well, can you by a parchment, by a mere statutory

Mr. BUTLER. Then there is no increase in price in any other section to correspond to it.

Mr SHIELDS. It may be that the land thus selected will not be more than 50,000 acres. But it would be unjust for the alternate section in that case to be enhanced in price : and I will say, in that particular case, the Government mus

Government, and you were making a disposition of the property belonging to those people or States, you would ask yourself the question, when about to make a donation to any portion of the States or people, upon what principle and by what authority you did it?

Now, sir, I would thank any Senator in the course of this argument to convince me that we have such authority. I desire to improve this country, and, as I stated before, to the extent limited by my convictions. Can Congress give to Illinois under the cestui que trust, a million and a half of acres of land, and then turn round and tell the other States in the cestui que trust, we do it in order to benefit the whole of you? The question is, have we any such power? In my judgment